



# The Gazette of India

## EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 17] NEW DELHI, FRIDAY, APRIL, 18, 1958/CHAITRA 28, 1880

### LOK SABHA

The following Bills were introduced in Lok Sabha on the 18th April, 1958:—

#### \*BILL No. 48 OF 1958

*A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1958-59.*

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 2) Act, 1958. Short title.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Vote on Account) Act, 1958] to the sum of seven thousand one hundred and twenty-four crores, fifty-seven lakhs and seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1958-59 in respect of the services specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Issue of Rs.  
71,24,57,  
07,000 out of  
the Consoli-  
dated Fund  
of India for  
the year  
1958-59.

\*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction and consideration of the Bill.

**THE SCHEDULE**  
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		5
		Voted by Parliament	Charged on the Consoli- dated Fund	
		Rs.	Rs.	
1	Ministry of Commerce and Industry . . .	66,43,000	..	66,43,000
2	Industries . . .	26,90,99,000	..	26,90,99,000 10
3	Salt . . .	1,58,04,000	5,02,000	1,63,06,000
4	Commercial Intelligence and Statistics . . .	79,81,000	..	79,81,000
5	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry . . .	1,90,64,000	..	1,90,64,000 15
6	Ministry of Community Development . . .	21,99,000	..	21,99,000
7	Community Development Projects and National Extension Service . . .	13,13,27,000	..	13,13,27,000 20
8	Ministry of Defence . . .	37,68,000	..	37,68,000
9	Defence Services—Effective—Army . . .	1,78,08,25,000	2,50,000	1,78,10,75,000 25
10	Defence Services—Effective—Navy . . .	16,65,08,000	50,000	16,65,58,000
11	Defence Services—Effective—Air Force . . .	88,54,15,000	50,000	88,54,65,000
12	Defence Services—Non-Effective Charges . . .	13,70,49,000	87,50,000	14,57,99,000 30
13	Ministry of Education and Scientific Research . . .	68,92,000	..	68,92,000
14	Archaeology . . .	1,09,70,000	..	1,09,70,000
15	Survey of India . . .	1,71,11,000	..	1,71,11,000 35
16	Botanical Survey . . .	12,50,000	..	12,50,000
17	Zoological Survey . . .	11,87,000	..	11,87,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
18	Scientific Research . . .	6,38,98,000	..	6,38,98,000
19	Other Scientific Departments . . .	56,67,000	..	56,67,000
10 20	Education . . . .	25,37,10,000	..	25,37,10,000
21	Miscellaneous Departments and Expenditure under the Minis- try of Education and Scientific Research . . . .	2,41,90,000	..	2,41,90,000
15 22	Tribal Areas . . . .	8,02,99,000	..	8,02,99,000
23	Naga Hills-Tuensang Area . . .	3,64,57,000	..	3,64,57,000
24	External Affairs . . . .	8,78,80,000	..	8,78,80,000
25	State of Pondicherry . . .	2,98,88,000	40,000	2,99,28,000
20	Miscellaneous Expenditure un- der the Ministry of External Affairs . . . .	4,09,000	..	4,09,000
27	Ministry of Finance . . . .	1,58,77,000	..	1,58,77,000
28	Customs . . . .	4,16,27,000	5,000	4,16,32,000
29	Union Excise Duties . . .	7,86,89,000	68,97,33,000	76,84,22,000
25 30	Taxes on Income including Cor- poration Tax, etc. . . .	5,41,40,000	1,23,000	5,42,63,000
31	Opium . . . .	2,42,18,000	..	2,42,18,000
32	Stamps . . . .	2,34,05,000	8,48,000	2,42,53,000
33	Audit . . . .	10,02,58,000	20,47,000	10,23,05,000
30 34	Currency . . . .	3,70,14,000	11,12,000	3,81,26,000
35	Mint . . . .	4,77,07,000	..	4,77,07,000
36	Territorial and Political Pensions	22,09,000	..	22,09,000
37	Superannuation Allowances and Pensions . . . .	3,51,00,000	33,33,000	3,84,33,000
35 38	Miscellaneous Departments and Other Expenditure under the Ministry of Finance . . .	31,09,44,000	1,000	31,09,45,000
39	Planning Commission . . .	2,10,00,000	..	2,10,00,000

1	2	3	Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total	5
		Rs.	Rs.	Rs.	
40	Miscellaneous Adjustments between the Union and State Governments . . .	6,66,000	..	6,66,000	10
41	Pre-partition Payments . . .	34,42,000	2,85,000	37,27,000	
	CHARGED.—Interest on Debt and other obligations and reduction or avoidance of Debt . . .	..	1,39,42,93,000	1,39,42,93,000	13
	CHARGED—Grants-in-aid to States . . .	..	46,96,70,000	46,96,70,000	
42	Ministry of Food and Agriculture . . .	73,54,000	..	73,54,000	
43	Forest . . .	2,56,26,000	..	2,56,26,000	
44	Agriculture . . .	15,72,49,000	1,000	15,72,50,000	20
45	Civil Veterinary Services . . .	1,48,25,000	..	1,48,25,000	
46	Miscellaneous Departments and Other Expenditure under the Ministry of Food and Agriculture . . .	13,80,85,000	..	13,80,85,000	25
47	Ministry of Health . . .	13,71,000	..	13,71,000	
48	Medical Services . . .	5,18,73,000	..	5,18,73,000	
49	Public Health . . .	14,06,97,000	..	14,06,97,000	
50	Miscellaneous Departments and Expenditure under the Ministry of Health . . .	87,61,000	..	87,61,000	30
51	Ministry of Home Affairs . . .	2,73,56,000	..	2,73,56,000	
52	Cabinet . . .	35,34,000	..	35,34,000	
53	Zonal Councils . . .	4,44,000	..	4,44,000	
54	Administration of Justice . . .	2,25,000	14,87,000	17,12,000	35
55	Police . . .	4,93,68,000	..	4,93,68,000	
56	Census . . .	8,34,000	..	8,34,000	
57	Statistics . . .	1,81,12,000	..	1,81,12,000	
58	Privy Purses and Allowances of Indian Rulers . . .	4,91,000	5,41,84,000	5,46,75,000	40

No. of Vote	Services and purposes	Sums not exceeding			Total	
		Voted by Parliament	Charged on the Consol- idated Fund	Rs.		
			Rs.	Rs.		
59	Delhi . . . . .	7,73,27,000	51,000	7,73,78,000		
60	Himachal Pradesh . . . . .	4,62,40,000	1,84,000	4,64,24,000		
10	61 Andaman and Nicobar Islands . . . . .	2,77,91,000	..	2,77,91,000		
	62 Manipur . . . . .	2,16,72,000	..	2,16,72,000		
	63 Tripura . . . . .	3,28,73,000	50,000	3,29,23,000		
	64 Laccadive, Minicoy and Amindivi Islands . . . . .	19,74,000	..	19,74,000		
15	65 Miscellaneous Departments and Expenditure under the Ministry of Home Affairs . . . . .	8,75,72,000	..	8,75,72,000		
	66 Ministry of Information and Broadcasting . . . . .	13,49,000	..	13,49,000		
20	67 Broadcasting . . . . .	4,01,00,000	..	4,01,00,000		
	68 Miscellaneous Departments and Expenditure under the Ministry of Information and Broadcasting . . . . .	3,34,11,000	..	3,34,11,000		
25	69 Ministry of Irrigation and Power . . . . .	19,67,000	..	19,67,000		
	70 Multi-purpose River Schemes . . . . .	1,28,07,000	..	1,28,07,000		
	71 Miscellaneous Departments and Other Expenditure under the Ministry of Irrigation and Power . . . . .	1,05,10,000	..	1,05,10,000		
30	72 Ministry of Labour and Employment . . . . .	17,47,000	..	17,47,000		
	73 Chief Inspector of Mines . . . . .	23,04,000	..	23,04,000		
35	74 Miscellaneous Departments and Other Expenditure under the Ministry of Labour and Employment . . . . .	8,80,17,000	..	8,80,17,000		
	75 Ministry of Law . . . . .	19,39,000	..	19,39,000		
	76 Elections . . . . .	1,81,41,000	..	1,81,41,000		
40	77 Miscellaneous Expenditure under the Ministry of Law . . . . .	5,44,000	..	5,44,000		

No. of Vote	Services and purposes	Sums not exceeding			5
		Voted by Parliament	Charged on the Consolida- ted Fund	Total	
		Rs.	Rs.	Rs.	
78	Ministry of Rehabilitation	40,45,000	..	40,45,000	
79	Expenditure on Displaced per- sons and Minorities	20,48,25,000	..	20,48,25,000	
80	Ministry of Steel, Mines and Fuel	33,49,000	..	33,49,000	10
81	Geological Survey	1,31,85,000	..	1,31,85,000	
82	Exploration of Oil and Natural Gas	2,18,35,000	..	2,18,35,000	
83	Miscellaneous Departments and Other Expenditure under the Ministry of Steel, Mines and Fuel	49,62,52,000	..	49,62,52,000	15
84	Ministry of Transport and Communications	76,62,000	..	76,62,000	
85	Mercantile Marine Depart- ment	62,10,000	..	62,10,000	20
86	Light-houses and Light-ships	1,38,96,000	..	1,38,96,000	
87	Central Road Fund	4,28,99,000	..	4,28,99,000	
88	Communications (including National Highways)	6,03,69,000	..	6,03,69,000	25
89	Indian Posts and Telegraphs Department (including Work- ing Expenses)	62,96,98,000	3,17,17,000	66,14,15,000	
90	Meteorology	1,61,46,000	..	1,61,46,000	
91	Overseas Communications Service	1,16,76,000	7,00,000	1,23,76,000	30
92	Aviation	3,79,52,000	..	3,79,52,000	
93	Miscellaneous Departments and Other Expenditure under the Ministry of Transport and Communications	1,38,68,000	..	1,38,68,000	35
94	Ministry of Works, Housing and Supply	56,71,000	..	56,71,000	
95	Supplies	2,71,95,000	..	2,71,95,000	

No. of Vote 5	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
96	Other Civil Works . . .	25,12,32,000	41,56,000	25,53,88,000
97	Stationery and Printing . . .	7,19,67,000	..	7,19,67,000
10 98	Miscellaneous Departments and Expenditure under the Ministry of Works, Housing and Supply . . .	88,56,000	..	88,56,000
99	Department of Atomic Energy	9,08,000	..	9,08,000
15 100	Atomic Energy Research . . .	3,30,80,000	..	3,30,80,000
101	Department of Parliamentary Affairs . . .	2,25,000	..	2,25,000
102	Lok Sabha . . .	1,03,03,000	67,000	1,03,70,000
20 103	Miscellaneous Expenditure under the Lok Sabha. . .	34,000	..	34,000
104	Rajya Sabha . . .	33,31,000	61,000	33,92,000
	CHARGED.— <i>Staff, Household and allowances of the President</i> . . .	..	18,37,000	18,37,000
25 105	Secretariat of the Vice-President . . .	59,000	..	59,000
	CHARGED.— <i>Union Public Service Commission</i> . . .	..	42,05,000	42,05,000
30 106	Capital Outlay of the Ministry of Commerce and Industry . . .	12,93,89,000	..	12,93,89,000
107	Capital Outlay of the Ministry of Community Development . . .	2,33,36,000	..	2,33,36,000
35 108	Defence Capital Outlay . . .	29,93,50,000	6,50,000	30,00,00,000
109	Capital Outlay of the Ministry of Education and Scientific Research . . .	2,18,74,000	..	2,18,74,000
40 110	Capital Outlay of the Ministry of External Affairs . . .	1,46,44,000	..	1,46,44,000

I	2	3	Sums not exceeding	
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
III	Capital Outlay on the India Security Press . . .	Rs. 11,07,000	Rs. ..	Rs. 11,07,000 10
112	Capital Outlay on Currency and Coinage . . .	2,90,60,000	..	2,90,60,000
113	Capital Outlay on Mints . . .	46,20,000	..	46,20,000
114	Commuted Value of Pensions . . .	45,81,000	1,00,000	46,81,000 15
115	Payments to Retrenched Personnel . . .	12,000	..	12,000
116	Other Capital Outlay of the Ministry of Finance . . .	89,85,87,000	..	89,85,87,000
117	Loans and Advances by the Central Government . . .	78,01,83,000	2,84,51,32,000	3,62,53,15,000 20
	CHARGED.—Repayment of Debt . . .	..	50,98,06,39,000	50,98,06,39,000
118	Capital Outlay on Forests . . .	9,51,000	..	9,51,000
119	Purchase of Foodgrains . . .	1,24,12,73,000	3,20,000	1,24,15,93,000
120	Other Capital Outlay of the Ministry of Food and Agriculture . . .	30,12,22,000	4,000	30,12,26,000
121	Capital Outlay of the Ministry of Health . . .	9,79,38,000	..	9,79,38,000
122	Capital Outlay of the Ministry of Home Affairs . . .	1,12,61,000	..	1,12,61,000
123	Capital Outlay on Broadcasting . . .	2,15,59,000	..	2,15,59,000
124	Capital Outlay on Multi-purpose River Schemes . . .	4,22,00,000	..	4,22,00,000 35
125	Other Capital Outlay of the Ministry of Irrigation and Power . . .	5,58,49,000	..	5,58,49,000
126	Capital Outlay of the Ministry of Labour and Employment . . .	11,55,000	..	11,55,000 40

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	
5	127 Capital Outlay of the Ministry of Rehabilitation	21,00,00,000	..	21,00,00,000
10	128 Capital Outlay of the Ministry of Steel, Mines and Fuel	1,72,91,88,000	..	1,72,91,88,000
	129 Capital Outlay on Ports	4,05,00,000	..	4,05,00,000
	130 Capital Outlay on Roads	15,00,00,000	..	15,00,00,000
15	131 Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)	30,09,25,000	..	30,09,25,000
	132 Capital Outlay on Civil Aviation	3,23,67,000	5,00,000	3,28,67,000
20	133 Other Capital Outlay of the Ministry of Transport and Communications	11,27,11,000	..	11,27,11,000
	134 Delhi Capital Outlay	6,35,80,000	8,90,000	6,44,70,000
	135 Capital Outlay on Buildings	5,72,10,000	5,70,000	5,77,80,000
25	136 Other Capital Outlay of the Ministry of Works, Housing and Supply	3,55,74,000	..	3,55,74,000
	137 Capital Outlay of the Department of Atomic Energy	5,19,00,000	..	5,19,00,000
30	GRAND TOTAL	14,74,71,10,000	56,49,85,97,000	71,24,57,07,000

## STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Consolidated Fund and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 1958-59.

MORARJI DESAI.

NEW DELHI;  
*The 17th April, 1958.*

## BILL NO. 47 OF 1958

***A Bill to provide for the reconstitution of the Institution of Engineers (India).***

WHEREAS, the Institution of Engineers (India) has been functioning under the Charter from the King of England since 1935.

AND WHEREAS, it is expedient to reconstitute the said Institution of Engineers (India) by an Act of Parliament so that it may continue to function as an Organisation of Chartered Engineers in the Indian Republic,

AND WHEREAS, it is also expedient to maintain a high standard of professional integrity and to establish the tradition of brotherhood and corporate unity amongst Chartered Engineers in India,

10 AND WHEREAS, it is also expedient to provide opportunities to the working class, technicians, supervisors, etc., in the engineering trades and profession to improve their knowledge and skill and to upgrade themselves, by means of training schemes, tests and examinations,

15 AND WHEREAS, it is also expedient to advance the science and profession of engineering in all its branches by fostering and developing a forum for exchange of thought and experience amongst engineers and for acquisition of knowledge and information on all matters affecting engineering.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

## CHAPTER I

### *Preliminary*

**Short title and commencement.** 1. (a) This Act may be called 'The Institution of Chartered Engineers Act, 1950.'

(b) This Act shall come into force on such date as the Central Government may, by Notification in the Official Gazette appoint.

**Definitions.** 2. In this Act unless there is anything repugnant in the subject or context,

(1) "*appointed date*" means the date appointed by the Central Government, for the coming into force of this Act;

(2) "*bye-law*" means bye-laws as may be framed by the Council from time to time; 15

(3) "*chartered Engineer*" means Corporate member of the Institution;

(4) "*the existing Institution*" means The Institution of Engineers (India) functioning immediately before the appointed date; 20

(5) "*the institution*" means The Institution of Chartered Engineers as reconstituted under this Act; and

(6) "*school of Engineering*" means School of any branch of Engineering as may be defined and constituted by the Council, from time to time. 25

## CHAPTER II

### *The Institution of Chartered Engineers (India)*

**Incorporation of the Institution.** 3. (a) All persons who are members of the existing Institution and all such persons as may become members of the Institution reconstituted pursuant to and by virtue of this Act, so long as they continue to be such members and from the appointed date are hereby constituted a body corporate by the name of The Institution of Chartered Engineers.

(b) The Institution shall have perpetual succession and a common seal and shall by its name sue or be sued. 35

4. The Institution shall have the following objects and powers hereafter : Functions of the Institution.

(a) to promote and advance the science and practice of engineering in all its branches (hereinafter referred to as "Engineering") in India;

(b) to establish, subsidise, promote, form and maintain local associations of members belonging to the Institution and others engaged or interested in engineering;

(c) to diffuse among its members information on all matters affecting engineering and to encourage, assist and extend knowledge and information connected therewith by establishment and promotion of lectures, discussions, seminars, symposia or correspondence; by holding conference; by publication of papers, periodicals or journals, books, circulars and maps or other literary undertaking; by encouraging research work; by maintaining library or libraries; or by establishing museums and opening exhibitions and collections of models, designs, drawings, and other articles of interest in connection with Engineering or otherwise howsoever;

(d) to promote the study of engineering with a view to disseminating the information obtained for facilitating the scientific and economic development of engineering in India;

(e) to establish, acquire, carry on, control or advise with regard to colleges, schools or other educational establishments where students and apprentices may obtain a sound education and training in engineering;

(f) to encourage, regulate and elevate the technical and general knowledge of persons engaged in or about to engage in engineering or in any employment manual or otherwise in connection therewith and with a view thereto to provide for the holding of classes and to test by examination or otherwise the competence of such persons and to institute and establish fellowships, professorships, studentships, scholarships, rewards and other benefits and to grant diploma or certificates of competency;

(g) to give the Central Government, the State Governments and Municipalities and other public bodies and others, facilities for conferring with and ascertaining the views of engineers as regards matters directly or indirectly affecting engineering and to confer with the said Governments, Municipalities and other public bodies and others in regard to all matters affecting engineering;

- (h) to encourage inventions and investigate and make known their nature and merits;
- (i) to arrange and promote the adoption of equitable forms of contracts and other documents used in engineering and to encourage the settlement of disputes by arbitration and to act as 5 or nominate arbitrators and umpires on such terms and in such cases as may seem expedient;
- (j) to promote efficiency and just and honourable dealing and to develop and maintain high standards in engineering profession; 10
- (k) to take and hold property, to purchase, to take lease of, to liquidate or otherwise dispose of the same or any part of it for the purpose of the Institution;
- (l) to raise funds by way of donations, gifts, grants, loans, over-drafts with or without charge on the Institution's assets; 15
- (m) to do all such other acts and things as are incidental or conducive to the attainment of the above objects or any of them.

Officers of  
the Institu-  
tion.

5. The following shall be the Officers of the Institution:—

- (a) the President of the Institution;
- (b) the Secretary or Secretaries of the Institution; 20
- (c) the Controller of Accounts; and
- (d) such other person or persons as may be declared by the bye-laws to be the Officers of the Institution.

President of  
the Institu-  
tion.

6. The President shall be the principal executive Officer of the Institution. Subject to the bye-laws and regulations of the Institution, all powers and functions of the Institution shall vest in the 25 President.

Election of  
the President  
and appoint-  
ment of  
officers.

7. The election of the President and appointment of other Officers of the Institution shall take place in accordance with the bye-laws of the Institution. The President and other Officers of the 30 Institution shall exercise such powers and perform such duties as may be prescribed or delegated to them by the bye-laws and regulations of the Institution.

Authorities  
of the Inst-  
itution.

8. The following shall be the Authorities of the Institution:—

- (a) the Council;
- (b) the Executive Committee;
- (c) Schools of Engineering; and
- (d) such other Bodies as may be prescribed by the bye-laws 35 to be Authorities of the Institution.

9. The Council shall consist of the following members:

- (a) The President of the Institution;
- (b) Vice-Presidents or Chairmen of the Schools of Engineering;
- 5 (c) Representatives of Schools, the number from each School being not less than four and not more than sixteen;
- (d) Four immediate past Presidents; and
- (e) Members not exceeding five in number that may be co-opted by the Council.

10. (1) The Council shall be the Supreme Governing Body of the Institution and shall have power to review the action of the Executive Committee, the Schools of Engineering and other Authorities. Council to be the supreme governing body of the Institution.

(2) The Council shall exercise all powers of the Institution not otherwise specifically provided for and all powers which are necessary to give effect to the provisions of the Act.

15. 11. In particular and without prejudice to the generality of the powers conferred by section 10, the Council shall have the following powers:— Functions of the Council.

- 20 (a) to frame the bye-laws of the Institution for carrying out the objects and duties of the Institution and to amend or repeal the same;
- (b) to issue directives to the Executive Committee to amend or repeal regulations;
- 25 (c) to issue directives to the Authorities of the Institution;
- (d) to prescribe standards and conditions for admission into or attachment to the Institution;
- (e) to institute examinations, tests, diplomas, certificates and other distinctions for recognition of competence or extraordinary merit in engineering trade, science or profession;
- 30 (f) to arrange for publications of the Institution;
- (g) to co-operate with other bodies engaged in activities allied to engineering in such manner and for such purposes as the Council may determine;
- 35 (h) to sanction opening of Schools of Engineering and Groups to represent different branches and sub-branches of engineering and frame necessary bye-laws therefor;

- (i) to delegate such of its powers as it may deem fit to any Authority or Officer of the Institution or to any member or members of the Institution;
- (j) to divide the membership into suitable geographical Zones, to frame bye-laws for carrying out the objects and duties of the Institution in the geographical limits of each zone; and
- (k) to frame bye-laws for the election of the Council and the Executive Committee.

**Meetings of the Council.** 12. (a) The Council shall at least meet three times a year on the dates to be fixed by the President. One of such meetings shall be called the Annual Meeting at which the Annual Report and Balance Sheet of the Institution shall be considered. The Council shall also meet at such other times as it may, from time to time, determine.

(b) The quorum to constitute a meeting of the Council shall be ten members. If there is no quorum at a meeting of the Council the meeting shall stand adjourned for 24 hours and shall meet at the same place when the Council can conduct its business even if there is no quorum.

(c) The President may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than twenty members of the Council convene a special meeting of the Council. Such requisition shall state clearly the business to be brought before the special meeting.

(d) The President may refer any matter for the decision of the Council by the postal ballot.

**Executive Committee.** 13. The Executive Committee shall consist of the following members:—

- (a) the President;
- (b) the Vice-Presidents i.e. Chairmen of Schools of Engineering; and
- (c) one representative of each school elected by the Council from amongst the members of the Council.

**Functions of the Executive Committee.** 14. The Executive Committee shall have the following powers:—

- (a) to make regulations and amend or repeal the same provided that in amending or repealing a regulation the directive of the Council, if any, shall be followed;
- (b) to direct the form, custody and use of the common seal of the Institution;

(c) to hold control and administer the properties and funds of the Institution;

(d) to frame the financial estimate of the Institution and submit the same to the Council;

5 (e) save as otherwise provided to give effect to all the provisions of the Act, to frame the bye-laws and the regulations;

(f) subject to the provisions of this Act to appoint the Secretary, the Controller of Accounts and other officers of the Institution on such terms and conditions as it may deem fit;

10 (g) to suspend or discharge or dismiss in accordance with the provisions contained in the bye-laws the Officers other than the President or other employees of the Institution;

(h) to accept endowments, bequests, donations and transfers of any moveable or immoveable properties to the Institution on its behalf;

15 (i) to take a final decision regarding the election of corporate and non-corporate members and with regard to grant of any fellowships, distinction and competency certificates;

(j) to take final decisions regarding attachment of persons or bodies other than corporate or non-corporate members of the Institution;

20 (k) to delegate any of its power to the President, Vice-Presidents, any of the officers of the Institution or to one or more of the members of the Executive Committee;

25 (l) to amalgamate any other body or association of engineers and to elect such of its members and others as the Executive Committee may decide to appropriate classes of membership and attached persons of the Institution; and

(m) to exercise, such other powers and perform such other duties as may be conferred or imposed on it by this Act or by the bye-laws or the regulations and to do everything that is necessary to be done for the administration of the Institution.

30 15. The Annual Report of the Institution shall be prepared by the Executive Committee and shall be forwarded to the members of Council in the manner prescribed by the bye-laws and shall be considered by the Council at its next Annual Meeting. The Council may pass resolutions thereon and communicate the same to the Executive Committee which shall take action in accordance therewith. The Executive Committee shall inform the Council the action taken by it.

Annual  
Accounts of  
the Institu-  
tion.

16. (1) The Annual Accounts of the Institution as approved by the Executive Committee shall be submitted to the Council along with the Annual Report.

(2) The Institution Accounts shall have a continuous internal audit and the report of such audit shall be submitted to the Council as soon as possible after the end of every financial year.

(3) The Executive Committee shall prepare before such date as may be prescribed by the bye-laws the annual financial estimates.

(4) The Annual Accounts and the financial estimates prepared by the Executive Committee shall be presented to the Council by the Controller of Accounts at its annual meeting and the Council may pass resolutions with reference thereto and communicate the same to the Executive Committee who shall take action in accordance therewith.

Power to  
make bye-  
laws by the  
Council.

17. (1) The Council may frame bye-laws for the constitution and for the functioning of the Schools of Engineering and other authorities of the Institution.

(2) Subject to the provision of this Act, such bye-laws may provide for all or any of the following matters, namely:—

(a) Constitution, powers and duties of any of the Authorities of the Institution;

(b) powers, duties, terms and conditions of service of Officers of the Institution;

(c) Election of the President, Chairman of the Schools of Engineering, representatives of the Council on the Executive Committee;

(d) qualifications and conditions for election of corporate and non-corporate members of all classes and qualifications and conditions for attachment to the Institution of persons and bodies in any other manner;

(e) suspension and expulsion of corporate members, attached persons and bodies;

(f) suspension of any member of any authority or body or committee within the control of the Council;

(g) subscription and entrance fee for all classes of members and attached persons and bodies;

(h) meetings of the Council and of the Executive Committee;

- (i) creating posts of Officers of the Institution under Section 5 and prescribing their powers and duties;
- (j) creating authorities of the Institution under Section 8 and prescribing their powers and duties; and
- 5 (k) all matters for carrying out of the objects of the Institution that the Council may find necessary from time to time.
- (3) The Council may of its own motion or on the recommendation of the Executive Committee make new bye-laws or amend or repeal any of the bye-laws of the Institution.
- 10 (4) The first bye-laws of the Institution shall be prepared by the Council within one year of the coming into force of this Act.

18. The present bye-laws of the existing Institution shall be deemed to be the bye-laws of the Institution in so far as they are not repugnant or inconsistent with the provisions of this Act and 15 subject to such modifications and amendments as may be found necessary by the Council till the first bye-laws are prepared and passed by the Council.

19. (1) Subject to the provisions of this Act and the bye-laws, Power to the Executive Committee may make regulations providing for all or 20 any of the following matters namely:—

- (a) journals and other publications;
- (b) library and museums;
- (c) use of moveable and immoveable properties belonging to the Institution;
- 25 (d) constitution, powers and duties of Zonal Associations and groups and all bodies authorised by the Executive Committee other than the Authorities of the Institution;
- (e) examinations of the Institution;
- 30 (f) election of the corporate and non-corporate members of the Institution and attachment to the Institution of other persons and bodies;
- (g) rights and privileges of corporate and non-corporate members and attached persons and bodies;
- 35 (h) prescribing rules of professional conduct and taking disciplinary action against members and attached persons;
- (i) finance and accounts; and

(j) such other matters not inconsistent with this Act and the bye-laws as the Executive Committee may find necessary to give effect to the object of the Institution.

(2) The Executive Committee shall pass regulations on its own motion or on the recommendation of any of the other authorities <sup>5</sup> of the Institution.

(3) The first set of regulations shall be prepared by the Executive Committee within two years of the coming into force of this Act.

Regulations  
of the exist-  
ing Institu-  
tion to be the  
regulations  
of the Insti-  
tution.

20. The regulations of the existing Institution shall be deemed <sup>10</sup> to be the regulations of the Institution till the first set of regulations are passed and—approved by the Executive Committee in so far as they are not repugnant or inconsistent with the provisions of this Act and subject to such modifications or amendments as may be found necessary by the Executive Committee. <sup>15</sup>

### CHAPTER III

#### *Membership, Privileges and Regulations of Members*

Classes of  
members of  
the Institu-  
tion.

21. Unless and until the bye-laws of the Institution shall otherwise provide there shall be five classes of members of the Institution termed respectively 'Honorary Life Members, Honorary <sup>20</sup> Members, Members, Associate Members and Companions' of whom the Members and Associate Members shall be known as corporate Members and the Honorary Life Members, Honorary Members and Companions shall be known as Non-corporate members.

Member-  
ship of the  
Institution.

22. The Members or attached persons or bodies of the said existing <sup>25</sup> Institution known as the Institution of Engineers—(India) who by virtue of this Act become Members or attached persons or bodies of the Institution shall be deemed to have entered the Institution as Members or attached persons or bodies of the same class as that to which they belonged in the said existing Institution. <sup>30</sup>

Privileges  
and obliga-  
tions of the  
members of  
the Institu-  
tion.

23. The qualifications, method and terms of admission, privileges and obligations including liability to expulsion or suspension of Members shall be such as the bye-laws for the time being of the Institution shall direct.

Admission to  
membership  
of the Insti-  
tution.

24. The Executive Committee shall alone have power to decide <sup>35</sup> conclusively respecting each person proposed for or seeking admission to any class of Members of the Institution and others attached to the Institution or seeking attachment to the Institution in any other manner whether he has or has not fulfilled such conditions as are applicable to his case. <sup>40</sup>

25. A Member of the Institution shall be entitled to the exclusive use after his name of the abbreviated designation "M.I.E." and Abbreviated designations of the members of the Associate Member of the abbreviated designation "A.M.I.E.", a Institution. companion of the abbreviated designation "Com.I.E." and Honorary Life Member of the abbreviated designation "Hon. Life M.I.E." and an Honorary Member of the abbreviated designation "Hon. M.I.E".

26. Every person being at any time a Corporate Member of the Institution may so long as he shall be Corporate Member take or use the name or title of "Chartered Engineer", and shall also indicate his School of Engineering. Privileges of a corporate member of the Institution.

27. The Institution may grant Fellowships or any other distinctions to any of its Members, Associate Members for special attainments in any of the Branch or Sub-Branch of Engineering and may permit the use of corresponding title or designation after his name as the Council may decide from time to time. Grant of Fellowship or other distinctions by the Institution.

28. The Council shall divide its membership into Schools of Engineering and may further form Sections and Groups according to the Branches of Engineering to which such Members belong and it may permit or require words to be added to the designation mentioned in Sections 30 and 31 to signify the Branch or Branches of Engineering to which the Member concerned belongs. The provision shall apply to the Members of the existing Institution of Engineers as well as those who become Members of the Institution. Division of membership into schools of engineering.

29. Unless and until the bye-laws of the Institution shall otherwise provide the Institution may attach to itself persons under the categories of students, graduates, affiliates and subscribers or any other category of attached persons or bodies as the Council may decide from time to time. The students, graduates, affiliates and subscribers attached to the said existing Institution, shall be deemed to be attached similarly to the Institution reconstituted under this Act. Persons under different categories to be attached to the Institution.

30. The qualifications, method and terms of admission of privileges and obligations including liability to expulsion or suspension of members of all classes and attached persons and bodies shall be such as the bye-laws for the time being of the Institution shall direct. Privileges and obligations of all classes of members and attached persons of the Institution.

## CHAPTER IV

## General Provisions

Properties, assets and liabilities of the existing Institution to pass to the Institution.

31. The properties, assets, liabilities (in and outside the territory of India) of the existing Institution of Engineers (India) and any of its Local Centres including the property, money, assets, etc., held by the said Institution as Trustees, shall be deemed to pass to the Institution of Chartered Engineers, reconstituted under this Act from the date of coming into force of this Act. 5

President to fill casual vacancies.

32. Subject to any provision in this Act and in the bye-laws, the President shall appoint a person or persons to fill casual vacancies 10 in the elected membership of any of the authorities or bodies of the Institution and the person so appointed to a casual vacancy shall be a member of such Authority or body for the residue of the term for which the person whose place he fills would have been a member. 15

Election matters to be referred to the President.

33. If any question arises whether any person has been duly elected or appointed as or is entitled to be a member of any Authority or body of the Institution, the matter shall be referred to the President of the Institution whose decision thereon shall be final.

Act or proceeding of authority.

34. No Act or proceeding of any authority or any other body of 20 the Institution shall be invalidated, merely by reason of the existence of a vacancy among its members.

Reconstitution of the existing Institution.

35. If any difficulty arises with respect to the reconstitution of the Existing Institution under this Act or any Authority of the Institution or in connection with the first meeting of any Authority 25 of the Institution, the President may by order in writing make any appointment or do anything that appears to him necessary or expedient for the establishment of the Institution or any Authority thereof or for the first meeting of any Authority of the Institution. 30

The Council of the existing Institution to be the Council of the Institution.

36. Notwithstanding anything contained in Section 9, the Council of the Existing Institution of Engineers on the Appointed Date shall be Council of the Institution. The President shall call a meeting of the Council within three months of the Appointed Date. The meeting of the Council as aforesaid shall elect ten members of 35 Council to the First Executive Committee as mentioned in S. 42 hereof.

37. Notwithstanding anything contained in section 13, the first Executive Committee of the Institution shall consist of :

5 (1) the President of the Existing Institution of Engineers on the appointed date;

(2) four Chairmen of the sections of the Existing Institution of Engineers on the appointed date, who shall be called the Vice-Presidents of the Institution; and

10 (3) Ten members elected by the Council under Section 36 hereof.

38. The first Council shall make all transitory provisions for the administration of the Institution till all the Authorities, bodies and Officers under this Act are appointed and the new bye-laws ~~are~~ <sup>Transitory provisions to be made by the first Council.</sup> passed.

## STATEMENT OF OBJECTS AND REASONS

The Industrial Commission had made a recommendation in the year 1916, for the establishment of the Institution of Engineers. The Institution was so established in 1920. It was granted a Charter by the King of England in 1935, on the lines of other Engineering Institutions of the Commonwealth. The Institution continues to function to-day even ten years after independence under the U. K. Charter. It got its revised Bye-laws approved by the Privy Council in 1951. This was done with the consent of the Government of India.

2. In view of the rapid development in the Engineering and industrial fields under the successive Five Year Plans, efficient functioning of the Institution of Engineers is of more vital importance than it was in 1916. Engineering is an applied science and its advancement can be assured by incorporating this Institution by Statute. The Institution can,—

- (a) act as a forum for exchange of knowledge and experience through its meetings and journals, libraries and museums;
- (b) advise on matters affecting education in Engineering and Technology;
- (c) advise Government on the preparation and execution of engineering projects; and
- (d) provide facilities to working class people to upgrade their knowledge and experience through its examinations.

3. Similar Act was passed by Parliament for incorporating the Institution of Chartered Accountants.

Hence this Bill.

NEW DELHI;  
*The 8th March, 1958.*

NATH PAI.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill authorises the Council power to frame bye-laws generally. The matters in respect of which bye-laws may be made are set out in that clause and all matters set out therein are purely ancillary to the proper implementation of this law.

Clause 19 of the Bill authorises the Executive Committee power to make regulations in respect of matters set out therein and they are purely ancillary to the proper implementation of this law.

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## BILL No. 36 OF 1958

*A Bill further to amend the Hindu Marriage Act, 1955.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Hindu Marriage (Amendment) Act, 19

Amendment of Section 2. In sub-section (1) of section 13 of the Hindu Marriage Act, 1955 5 25 of 1955. (hereinafter referred to as the principal Act),—

(a) for sub-clause (i), the following sub-clause shall be substituted namely:—

“(i) has since the solemnization of the marriage committed adultery.”;

(b) after sub-clause (ix) the following sub-clauses shall be inserted namely:—

“(x) has subsequent to the solemnization of the marriage treated the petitioner with cruelty;

*Explanation.*—In this sub-clause cruelty means any conduct 15 on the part of respondent causing a reasonable apprehension in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the respondent;

(xi) has deserted the petitioner without just cause for at least a continuous period of three years immediately 20 preceding the petition.”

3. After section 13 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new Section  
13-A.

5        “13-A. (1) Subject to the provisions of this Act a petition for divorce may be presented to the court by both parties together on the ground that they have been living separately for a period of two years or more and they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

10      (2) The court shall after presentation of such petition for divorce on being satisfied on making such enquiries as it thinks fit that the averments in the petition are true pass a decree declaring the marriage to be dissolved with effect from the date of decree.”

Divorce by  
Mutual  
Consent

## STATEMENT OF OBJECTS AND REASONS

The Hindu Marriage Act, 1955 (25 of 1955) has provided for dissolution of marriages among Hindus on specified grounds. Section 13 of the Act deals with the grounds for divorce but in their practical application is found to be inadequate. Divorce by mutual consent recognised by the Special Marriage Act, 1954 does not find place in this Act. Again habitual cruelty recognised to be a ground for divorce in many countries is also not a ground for divorce. The present amendment while seeking to add other grounds for dissolution of Hindu Marriages also seeks to make such verbal changes in the existing grounds, to remove ambiguities and doubts.

S. EASWARA IYER.

NEW DELHI;

*The 8th March, 1958.*

## BILL No. 40 OF 1958.

*A Bill further to amend the Dissolution of Muslim Marriages Act, 1939*

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Dissolution of Muslim Marriages <sup>Short title.</sup> (Amendment) Act, 19 .
- 5 2. In sub-section (2) of section 1 of the Dissolution of Muslim <sup>Amendment of section 1.</sup> Marriages Act, 1939 (hereinafter referred to as the principal Act), the words "except Part B States" shall be omitted.
- 10 3. In section 2 of the principal Act,—
  - (1) in sub-clause (ii), for the words "for a period of two years" the words "for an unbroken period of two years without reasonable cause immediately preceding the date of the suit" shall be substituted;
  - (2) to the said sub-clause, the following explanation shall be added, namely:—
- 15 "Explanation.—Intermittent maintenance without an intention to continue to maintain does not constitute maintenance within the meaning of this sub-section.";

(3) after clause (c) of proviso to sub-section (ix) the following clause shall be inserted, namely:—

“(d) the expression “disposes of her property” in sub-clause (viii) means disposal of substantial portion of her property against her benefit or with the object of 5 depriving her of the same without her express or implied consent.”

## STATEMENT OF OBJECTS AND REASONS

The Dissolution of Muslim Marriages Act, 1939 was passed with a view to consolidate and clarify the provisions of Muslim Law relating to suits for dissolution of marriages by women married under that Law. Prior to that since the Hanafi Code of Muslim Law contained no provision enabling a married Muslim woman to get a decree for divorce, courts in India were unable to apply the Maliki Law to the case of Hanafi Muslims. So it was thought necessary in order to relieve the sufferings of countless Muslim married women to give statutory recognition of this right.

2. Prior to the States Reorganisation Act of 1956, the Dissolution of Muslim Marriages Act, 1939 extended to the whole of India except Part B States. Even after the abolition of Part B States, the Act is not extended to the territories which were Part B States prior to the reorganisation of States. The present amendment while seeking to extend the Act to the whole of India also proposes to make such verbal changes in the provisions to give effect to the general principles of justice, equity and good conscience applicable to Muslim Law.

NEW DELHI;

*The 8th March, 1958.*

EASWARA IYER.

## BILL No. 42 OF 1958

*A Bill to clarify the law relating to alienation of the undivided interest of a coparcener in joint family property.*

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

**Short title and extent.** 1. (1) This Act may be called the Hindu Disposition of Property Act, 1958. 5

(2) It extends to the whole of India except the State of Jammu and Kashmir.

**Application of the Act.** 2. (1) This Act applies—

(a) to any person, who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,

(b) to any person who is a Buddhist, Jaina or Sikh by religion, and

(c) to any other person who is not a Muslim, Christian, Parsi, or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu Law or by any custom on usage as part of that Law in respect of any of the matters dealt with herein if this Act had not been passed. 15

*Explanation.*—The following persons are Hindus, Buddhists, Jainas or Sikhs by religion as the case may be:—

(a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

5 (b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged;

10 (c) any person who is a convert or reconvert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to members of any Scheduled Tribe within the meaning of clause (25) of Article 366 of the Constitution unless the Central Government, by notification in the 15 Official Gazette, otherwise directs.

(3) The expression "Hindu" in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

20

## CHAPTER II

### ALIENATION OF COPARCENARY PROPERTY

3. Where a male Hindu has, after the commencement of this Act, an undivided interest in a Mitakshara coparcenary property, such interest is liable to be attached in his life time in execution of a 25 decree obtained against him for his personal debts by his creditor and such interest is also liable to be sold in execution proceedings against the coparcener as per the provisions prescribed in the Code of Civil Procedure, 1908 for attachment and sale of the property of the Judgment debtor.

Liability to attachment of the undivided interest of a coparcener.

V of 1908.

30 *Explanation.*—(1) If the attachment is made during the life time of the said coparcener, the interest of the coparcener is liable to be sold in execution of the decree even after his death whether or not the order for the sale is made in his life time.

4. Where a creditor of a coparcener has, in execution of a decree obtained by him against the coparcener for his personal debt, attached in his life time the undivided interest of the said 35 holder.

The interest of the decree holder.

coparcener, the interest of the coparcener available for the purpose of further proceedings in execution of that decree shall be deemed to be the share in the property that would have been allotted to the coparcener if a partition of the property had taken place immediately on the date of the attachment. 5

Right of a coparcener to deal with his undivided interest.

5. From and after the commencement of this Act, any Hindu having an undivided interest in a Mitakshara coparcenary property may dispose of by way of gift, sale, mortgage without the consent of the other coparceners his undivided interest in coparcenary property. 10

*Explanation I.*—For the purpose of this section, the interest of the Hindu Mitakshara coparcener shall be deemed to be the share that would have been allotted to him, if a partition of the coparcenary property had taken place on the date of the transfer by way of gift or otherwise. 15

*Explanation II.*—For the purpose of this section, a coparcener is entitled to transfer *inter vivos* his undivided interest in the entire joint family property or his undivided interest in a specific property forming part of the joint family property:

Provided that a coparcener shall have no right to transfer by 20 way of gift or otherwise any specific property belonging to the coparcenary as representing his interest in the joint family property:

Provided further that the transferee of the undivided interest of a coparcener in his entire joint family property or his undivided 25 interest in a specific property shall not be entitled to joint possession of the property without the consent of the other coparceners.

Right of the transferee of the undivided interest to compel partition of the joint family property.

6. Where a transfer of the undivided interest of a coparcener in a specific joint family property or entire joint family property is made, the transferee of the undivided interest acquires only by 30 reason of the transfer, the right to compel a partition of the joint family property by a suit for general partition against all the coparceners and for the allotment to him the share of his transfer or coparcener:

Provided that the transferee may in such suit ask for the allot- 35 ment of a specific property sold to him and the Court may make such allotment if it is just and convenient to make such an allotment without prejudicing the rights of the other coparceners.

7. Save as otherwise expressly provided in this Act,—

Repeals.

5 (a) any text or rule or interpretation of Hindu Law or any custom or usage as part of that Law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act; and

10 (b) any other law in force immediately before the commencement of this Act shall cease to apply to Hindus in so far as it is inconsistent with any of the provisions contained in this Act.

*Explanation.*—For the removal of doubts it is hereby declared that nothing contained in this Act shall be deemed to affect the law for the time being in force in respect of Agricultural holdings or for the devolution of tenancy rights with respect of such holdings.

## STATEMENT OF OBJECTS AND REASONS

Under the Mitakshara system of law, prevailing in all the States of Indian Union, undivided interest of a coparcener can be proceeded against in execution of a decree against him for his personal debts. It can be attached in his life time in execution of a decree and sold in court auction. But regarding the right of coparcener to alienate his undivided interest in the coparcenary property by way of sale, mortgage or otherwise, the law is different in different States. In all States, a gift of the undivided interest of a coparcener is void, unless it is made with the consent of the other coparceners. An alienation of the undivided interest is valid as per the Mitakshara law as administered in Bombay and Madras, but according to Mitakshara Law in West Bengal, Uttar Pradesh, Bihar or Orissa, no coparcener can validly alienate his undivided interest without the consent of the other coparceners even for value. The Hindu Succession Act (No. 30 of 1956) has provided for devolution of the undivided interest in coparcenary property by section 6 and has also enabled testamentary disposition of such interest in coparcenary property by section 30. It is therefore desirable to make provisions for the right to effect transfer *inter vivos* of the interest of a coparcener. The object of the Bill is to bring uniformity in the Mitakshara system of law as prevailing in various States.

Hence the Bill.

NEW DELHI;  
The 13th March, 1958.

S. EASWARAN IYER.

## BILL No. 45 OF 1958

*A Bill further to amend the Hindu Succession Act, 1956.*

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Hindu Succession (Amendment) *Short title.* Act, 195 .

5 2. In sub-section (1) of section 14 of the Hindu Succession Act, <sup>Amendment of section 14.</sup> 1956 (hereinafter referred to as the principal Act), the *Explanation* shall be numbered as *Explanation I* and after Explanation 1 as so numbered, the following explanation shall be added, namely:—

10 “*Explanation II.*—Where before the commencement of this Act any immovable property acquired by a female Hindu by inheritance or devise or at a partition or otherwise was held by her as limited owner known as “Hindu Women’s Estate” and such property has been, prior to the commencement of this Act, transferred by her by way of sale, mortgage with or without possession or gift, the interest or right of the transferee over the property shall not be called into question or set aside as being void or voidable by reason only of the fact that the transferor had exceeded her power of alienation as limited owner.”

15 3. After section 14 of the principal Act, the following section shall <sup>Insertion of new section 14A.</sup> be inserted, namely:—

20 “14A. Property whether movable or immovable acquired by <sup>Property acquired by male Hindu</sup> any one of the male relatives specified in *class I* or *class II* of the schedule whether by intestate succession or devise shall belong to him absolutely and shall not be subject to any right by birth <sup>absolute</sup> of his issues.”

Amendment of schedule. 4. In the schedule to the principal Act, the *Explanation* shall be numbered as *Explanation I* and after *Explanation I*, as so numbered, the following explanation shall be added, namely:—

*“Explanation II.—In this schedule reference to son or daughter includes adopted son or daughter.”* 5

## STATEMENT OF OBJECTS AND REASONS

The Hindu Succession Act, 1956 has codified the law of intestate succession among Hindus, making vital and desirable changes in the pre-existing succession laws governing Hindus. But in many provisions of the enactment the repercussions on other branches of Hindu law are lost sight of. It is provided by section 4 that the pre-existing Hindu law shall cease to have effect only with respect to matters for which provision is made in the enactment. Under the general Hindu law governed by the Mitakshara system ancestral property will spring into existence when the self-acquired property of a male is inherited by his sons so as to confer a right by birth upon the son's male issues. This will enable the grand son to claim a partition of his share from the property inherited by the son. By explanation to section 14 of Hindu Succession Act, 1956, property inherited by a daughter is taken by her absolutely and thus is not answerable for any such claim by her own issues. This will work to the prejudice of the male heirs in class I of the schedule to the enactment. Then again under the general Hindu law a subsequently born *aurasa* son is entitled to a greater share than the adopted son in a case of competitive succession. The Act is not clear on this point also. The object of the Bill is, therefore, to remove these difficulties.

Hence this Bill.

NEW DELHI;  
*The 13th March, 1958.*

S. EASWARA IYER.

## BILL No. 41 of 1958

*A Bill further to amend the Indian Income Tax Act, 1922.*

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Indian Income Tax (Amendment) Act, 19 .

Amendment of section 54 2. In sub-section (3) of section 54 of the Indian Income Tax Act, 5  
1922, after clause (p), the following clause shall be added, namely:— 11 of 1922.

“(q) of any such particulars to any member of Parliament for the purpose of obtaining information.”

## STATEMENT OF OBJECTS AND REASONS

All particulars contained in any statement made, return furnished or accounts or documents produced, or any proceedings for recovery of income tax are treated as confidential under section 54 of Income Tax Act, 1922 and no member of Parliament can obtain any kind of information in this respect.

2. The object of the Bill is, therefore, to amend section 54 of the Indian Income Tax Act, so that a member of Parliament may obtain information in all matters concerning recovery of Income Tax, so as to enable him to express his opinion in Parliament and suggest ways and means for checking evasion in Income Tax.

Hence this Bill.

RAM KRISHAN.

NEW DELHI;  
*The 13th March, 1958.*

## BILL NO. 46 OF 1958

*A Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 19

(2) It shall come into force at once.

5

Amendment  
of section 2.

2. In section 2 of the Salaries and Allowances of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act) the following definition shall be added at the end, namely:—

30 of 1954.

“(f) “parliamentary constituency” has the same meaning assigned to it in the Representation of the People Act, 1950.

10 43 of 1950.

*Explanation.—For the purpose of a member of the Council of States, the term “parliamentary constituency” shall mean the constituency within which his permanent place of residence is situate.”*

Amendment  
of section 6.

3. In section 6 of the principal Act,—

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(1) for the heading “Free transit by Railway”, the heading “Free transit by Railway and Airway” shall be substituted; and

(2) after the words "at any time", the words "and with one free non-transferable airway pass which shall entitle him to travel by air in India at any time between any of the following places, namely, Delhi, the usual place of residence of the Member and his constituency.

5 *Explanation.*—Where there is no airport at the place of residence of the Member or in his constituency, the Member shall be entitled to travel by air from and to the nearest airport."

## STATEMENT OF OBJECTS AND REASONS

Among the obligations of a Member of Parliament is that of maintaining close touch with his constituency so that he may reflect trends of public opinion that manifest themselves amongst his constituents and adequately represent their sentiments. One of the factors coming in the way of such contact being maintained in India is the fact that it is a country of vast distances but relatively undeveloped communications. The location of Delhi, the seat of the Central Government and Parliament, is not altogether central. The time spent by Members in moving between their places of residence and Delhi is thus considerable.

2. While air travel is allowed between the Member's place of residence and Delhi at the beginning and at the end of each Session of Parliament, no effective provision for it exists in regard to intermediate journeys, nor for visits to Members' constituencies. Since our Constitution permits a citizen to stand from any constituency in the country, this distinction is of considerable significance. Several members reside at a great distance from their constituencies.

3. It is felt that if the facility of travel by air on the same lines as it is at present extended by rail is made available to Members, it will be possible for them to maintain more regular attendance in Parliament, while at the same time not getting out of touch with their constituencies. They will thus be able to function more efficiently in the discharge of their duties of Parliament and to their constituencies. The purpose of this Bill is to make this possible.

NEW DELHI;  
The 18th March, 1958.

M. R. MASANI.

## FINANCIAL MEMORANDUM

Under clause 3 of the Bill, Members of Parliament, who are already entitled to free travel by Railways throughout India, will also be entitled to free travel by Airways between their usual place of residence, constituency and Delhi. It is not possible at this stage to estimate the additional expenditure which is likely to be incurred but in any case it is not likely to be appreciable.

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M. N. KAUL,  
*Secretary.*

